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MEDIA ALERT

Commerce Announces Citation against Billing Company for Tooele Gym
"Apex debited Member Accounts after Anytime Fitness Closed due to Fire"
(For immediate release...)

SALT LAKE CITY, Utah – Francine Giani, Executive Director of the Utah Department of Commerce, announced today that the Division of Consumer Protection has issued an administrative citation against Apex Management Services for the unauthorized debiting of Anytime Fitness member's financial accounts for gym fees after the building was closed due to a fire on September 18, 2005. Apex Management Services is headquartered in Eagan, MN.

"Apex Management Services continued to charge members access fees to a gym that wasn't even open for business," said Giani, "The good news is that Anytime Fitness members who were overcharged during that period are now eligible for refunds."

The citation was submitted on July 5, 2006 and alleges Apex Management Services violated the *Utah Consumer Sales Practices Act* by engaging in deceptive acts or practices and charging a consumer for a transaction that was not previously agreed to by the consumer. After Anytime Fitness was damaged by the fire, Apex sent letters to gym members on September 24, 2005 saying their accounts were frozen until the gym reopened for business.

The citation alleges that Apex continued to debit member's financial accounts without their authorization on or about October 3, 2005 through on or about December 16, 2005. There are approximately 1172 members of Anytime Fitness in located Tooele County. The Division of Consumer Protection estimates that around 62 members will be eligible for refunds under terms of the citation.

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